



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Select Committee on Children
February 28, 2012**

S.B. No. 193: An Act Concerning Mandated Reporters and Requiring Criminal History Checks for Youth Camp Employees and Volunteers

The Division of Criminal Justice appreciates this opportunity to offer testimony regarding Section 1 of S.B. No. 193, An Act Concerning Mandated Reporters and Requiring Criminal History Checks for Youth Camp Employees and Volunteers. While the Division believes the intent of this section is certainly commendable, we believe there is serious doubt that it would be enforceable and achieve the intended result.

Section 1 of this bill expands the list of mandated reporters to include virtually everyone volunteering or otherwise serving as a coach or in a similar capacity in any sporting activity involving youth. While this is certainly a laudable goal, there is no provision to guarantee that these individuals are informed that they are deemed by law to be mandated reporters and what that means. A conviction for violation of a criminal statute requires the state to prove beyond a reasonable doubt that the person intended to violate the law. It could be very difficult at best to prove the requisite intent if there is no system in place to insure that individuals who are deemed to be mandated reporters are in fact aware of that status and the responsibilities that it carries. For this reason the Division of Criminal Justice would urge the Committee to move forward with caution. Any expansion of the mandated reporter statute must be accompanied by appropriate education and training for those who are to be added to the list of reporters.

In 2009 the Division submitted testimony on this issue following an incident that occurred in a school situation. At that time we recommended expanded education to inform those who are covered of their responsibilities. We must note now, as we did then, that education and training will not come without cost. While it may be possible to include training on being a mandated reporter as part of the existing training programs for coaches employed in schools, colleges or universities, such may not be the case with volunteers who coach for community groups or organizations with less structure.

Finally, the Division would note that the Committee may find it appropriate to examine the penalties for violation of the mandated reporter statute. The penalty for failure to report is a fine ranging from \$500 to \$2,500 dollars and requirement that the person undergo training. One area worthy of consideration is to provide for a greater penalty for those who have had training and still did not report an incident. Rather than just a fine, a more appropriate penalty might be to classify such an incident as a class C misdemeanor to underscore the importance of the reporting requirement.

The current mandated reporter laws found in Chapter 319a – Sections 17a-101, et. seq., have been cobbled together over the years as specific incidents have occurred. The history of the statute runs several pages – much longer than the actual statute itself. A comprehensive examination and review of the entire scheme may be in order rather than simply trying to address piecemeal another specific incident or concern. It may be time to take a step back and look carefully at the mandated reporter law as it is now written, as it has been applied in the past, and how it stands in relationship to other existing laws rather taking another step forward through this piecemeal approach.

In conclusion, the Division of Criminal Justice extends its appreciation to the Committee for affording this opportunity to offer input on this issue. We would be happy to provide any additional information or to answer any questions the Committee might have.